S.B. CIVIL WRIT PETITION NO.3976/2003
(Animesh Naithany vs. Commissioner K.V.S. & Ors.)

Date :: 07.02.2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr.R.S. Gill, for the petitioner.
Mr.A.K. Khatri, for the respondents.

By this petition for writ petitioner has sought necessary correction with regard to his date of birth in the certificate pertaining to All India Secondary School Examination, 2000 issued by the Controller of Examinations, Central Board of Secondary Education, New Delhi.

In brief facts of the case are that the petitioner was regular student of Kendriya Vidhyalaya No.1, Air Force Station, Suratgarh in the year 1999-2000 and in the same educational session he appeared in Secondary School Examination conducted by the Central Board of Secondary Education. According to the school record and the certificate of school the date of birth of the petitioner is 16th July, 1985. However, due to some clerical error, the school communicated 16th July, 1984 as date of birth of

the petitioner to the Central Board of Secondary Education. Acting upon the information supplied by the School, the Central Board of Secondary Education, entered 16th July, 1984 as date of birth of the petitioner in Secondary School Examination-2000 certificate. The petitioner after receiving the notice pointed out the error crept in the certificate to the School Authorities. The School Authorities communicated to the Regional Officer, Central Board of Secondary Education about the correct date of birth of the petitioner and, therefore, also made a request to correct the same by substituting 16th July, 1985 in place of 16th July, 1984 in the certificate concerned.

The respondent Central Board of Secondary Education in view of Sub-clause(iv) of Clause 69.2 of the Examination Bye-laws refused to make any change with regard to date of birth in the certificate.

Being aggrieved by the refusal made by the respondent Central Board of Secondary Education from making correction in the certificate the petitioner has preferred the present writ

petition.

Heard counsel for the parties.

It is true that Sub-clause (iv) of Clause 69.2 of the Examination Bye-laws of the respondent Board provides that the application for correction in date of birth duly forwarded by the Head of the School along with documents mentioned in Bye-laws 69.2(iii) may be entertained by the Board within a period of two years of the date of declaration of the result of Class-X examination. The Clause referred above restrain from making any correction in the certificate after the lapse of two years form the date of declaration of the result.

However, in the present case, it is apparent from perusal of the documents placed on record and as admitted by the School Authorities the date of birth of the petitioner was 16th July, 1985 and not 16th July, 1984. The School Authorities accepted their error, therefore, instead of relegating the petitioner to get the declaration for necessary correction in the certificate by way of filing a civil suit, I consider it appropriate to direct

the respondent Central Board to make the required correction in the Secondary School Examination certificate by substituting 16th July, 1985 in the certificate concerned in place of 16th July, 1984. The respondents shall issue an amended certificate within a period of three months from today.

The writ petition is disposed of accordingly.

[GOVIND MATHUR],J.

Ashwini/-